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E-Filed on 3/5/09

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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE
14 COMPANY,

15 USA CAPITAL REALTY ADVISORS, LLC,¹

16 USA CAPITAL DIVERSIFIED TRUST DEED
17 FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED FUND,
19 LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM TRUST TO
PROOF OF CLAIM OF KYONG
AUSTIN AS FILED IN WRONG
DEBTOR'S CASE AND NOT TIMELY
FILED**

Hearing Date: April 10, 2009
Hearing Time: 9:30 a.m.

20 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
21 **THAT YOU FILED. The USACM Trust seeks to disallow your claim because the**
22 **USACM Trust contends that your claim was filed in the wrong debtor case and was**
23 **untimely filed.**

24
25 ¹ This bankruptcy case was closed on September 23, 2008.

26 ² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
3 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
4 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
5 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

6 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
7 through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Kyong
8 Austin as Filed in Wrong Debtor's Case and Not Timely Filed (with Certificate of Service)
9 (the "Objection"). The USACM Trust respectfully requests that the Court enter an order
10 pursuant to § 502 of title 11 of the United States Code (the "Bankruptcy Code")
11 disallowing Proof of Claim No. 10725-02576 in its entirety.

12 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
13 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
14 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
15 **April 10, 2009, at the hour of 9:30 a.m.**

16 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 10,**
17 **2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
18 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
19 **HEARD ON THAT DATE.**

20 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
21 by **April 3, 2009**, pursuant to Local Rule 3007(b), which states:

22 If an objection to a claim is opposed, a written response must
23 be filed and served on the objecting party at least 5 business
24 days before the scheduled hearing. A response is deemed
25 sufficient if it states that written documentation in support of
26 the proof of claim has already been provided to the objecting
 party and that the documentation will be provided at any
 evidentiary hearing or trial on that matter.

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: March 5, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ# 18024)
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Counsel for USACM Liquidating Trust

Copy of the foregoing mailed by first class
Postage prepaid U.S. mail
On March 5, 2009 to:

Kyong Austin
5155 W. Tropicana, #2117
Las Vegas, NV 89103

/s/ Carrie Lawrence
Carrie Lawrence